

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE:)	
)	
CURTIS ANTHONY WILEY)	Case No. 16-32156-KRH
)	Chapter 13
Debtor)	

**MOTION TO WAIVE REQUIREMENT TO COMPLETE FINANCIAL
MANAGEMENT COURSE AND CERTIFICATION PURSUANT TO 11 U.S.C. § 1328**

COME NOW, the Debtor, by counsel, and as and for his Motion to Waive Requirement to Complete Financial Management Course and Certification Pursuant to 11 U.S.C. § 1328, states as follows:

1. The Debtor filed this case under Chapter 13 of the U.S. Bankruptcy Code on April 28, 2016.
2. The Debtor is incapacitated due to mental and physical health issues (dementia), and is no longer of sound mind. On March 17, 2021, Monica Reid-Tatum, the Debtor's daughter and is his next of kin, provided the Chapter 13 Trustee with documentation confirming the Debtor's incapacity.
3. The Debtor has been relocated to a nursing home where he currently resides. His daughter has provided documentation to prove residency, which was also provided to the Trustee on March 17, 2021.
4. The Debtor has completed his Chapter 13 Plan payments and on or about March 19, 2021, the Chapter 13 Trustee filed a Certification that the Debtor completed his plan

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Counsel for Debtor

payments pursuant to the confirmed plan in this case and is entitled to receive a discharge pursuant to 11 U.S.C. § 1328(a).

5. Due to the Debtor's total and perpetual incapacity as set forth above, he is unable to complete the instructional course in financial management required by 11 U.S.C. § 1328(g).

6. Pursuant to 11 U.S.C. § 1328(g)(2), the requirement to complete the instructional course does not apply to a debtor who is incapacitated pursuant to 11 U.S.C. § 109(h)(4).

7. 11 U.S.C. § 109(h)(4) defines "incapacity" as "being impaired by reason of mental illness or mental deficiency so that he is incapable of realizing and making rational decisions with respect to his financial responsibilities".

WHEREFORE, the Debtor, by counsel, respectfully requests that the Court enter an Order waiving the requirement to complete the instructional course in financial management required by 11 U.S.C. § 1328(g), from having to file the Certification of Compliance required by 11 U.S.C. § 1328, granting a discharge under 11 U.S.C. § 1328, and for such other relief as the Court may deem appropriate.

CURTIS ANTHONY WILEY

By: /s/ James E. Kane
Counsel

James E. Kane (VSB #30081)
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P.O. Box 508
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(804) 225-9500 (phone)
(804) 225-9598 (fax)
Counsel for Debtor

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2021, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all parties registered to receive notice thereof and to the parties on the attached matrix.

/s/ James E. Kane

James E. Kane

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)	Chapter 13
Debtor)	

NOTICE OF MOTION AND OF HEARING

The above Debtor has filed a Motion to Waive the Requirements of 11 U.S.C. § 1328 and for Entry of an Order of Discharge in the above matter.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then within twenty-one (21) days from the date of this Notice, you or your attorney must:

- File with the court, at the address shown below, a written request for a hearing [or written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for a hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above, to:

Clerk of Court
United States Bankruptcy Court
701 East Broad Street
Richmond, VA 23219

You must also mail a copy to:

James E. Kane, Esquire
Kane & Papa, P.C.
1313 East Cary Street
Richmond, Virginia 23219

- Attend a hearing scheduled for **May 5, 2021 at 12:00 p.m. at 701 E. Broad Street, Room 5000, Richmond, VA 23219.** If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated: March 24, 2021

CURTIS ANTHONY WILEY

By: /s/ James E. Kane

Counsel

James E. Kane (VSB #30081)
KANE & PAPA, P.C.
1313 East Cary Street
Richmond, VA 23219
(804) 225-9500 (phone)
(804) 225-9598 (fax)
Counsel for Debtor

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/s/ James E. Kane

James E. Kane

Label Matrix for local noticing

UST sms Richmond

United States Bankruptcy Court

0422-3

Office of the U. S. Trustee

701 East Broad Street

Case 16-32156-KRH

701 East Broad St., Suite 4304

Richmond, VA 23219-1888

Eastern District of Virginia

Richmond, VA 23219-1849

Richmond

Tue Mar 23 16:36:10 EDT 2021

Cawthorn, Deskevich & Gavin

(p) INTERNAL REVENUE SERVICE

(p) FOCUSED RECOVERY SOLUTIONS

9701 Metropolitan Court

CENTRALIZED INSOLVENCY OPERATIONS

9701 METROPOLITAN COURT

Suite C

PO BOX 7346

STE B

Richmond, VA 23236-3694

PHILADELPHIA PA 19101-7346

RICHMOND VA 23236-3690

HCA Health Services

Henrico Doctors Hospital

Internal Revenue Service

One Park Plaza

Resurgent Capital Services

PO Box 7346

Nashville, TN 37203-6527

PO Box 1927

Philadelphia, PA 19101-7346

Greenville, SC 29602-1927

Transworld Sys Inc/38

Virginia Emergency Physicians

Virginia Dept. of Taxation

507 Prudential Rd

5801 Bremono Road

Post Office Box 2156

Horsham, PA 19044-2308

Richmond, VA 23226-1907

Richmond, VA 23218-2156

Curtis Anthony Wiley

James E. Kane

Suzanne E. Wade

3005 Dunwick Road

Kane & Papa, PC

341 Dial 877-996-8484 Code 2385911

Richmond, VA 23230-1915

1313 East Cary Street

7202 Glen Forest Drive, Ste. 202

P.O. Box 508

Richmond, VA 23226-3770

Richmond, VA 23218-0508

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Department of Treasury

Focused Recovery Solutions

End of Label Matrix

PO Box 249

9701 Metropolitan Ct.

Mailable recipients 14

Internal Revenue Service

Suite B

Bypassed recipients 0

Memphis, TN 38101-0249

Richmond, VA 23236-0000

Total 14